

## **ORDINANCE NO. 12-10**

### **AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY**

**WHEREAS**, in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the City; and

**WHEREAS**, in 2012 State law changed the dates allowed for discharge; and

**WHEREAS**, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged; and

**WHEREAS**, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger; and

**WHEREAS** the City Council finds it is in the best interest of the City and the general health, safety and welfare of the public that this ordinance should be passed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TREMONTON CITY AS FOLLOWS:**

**1. Definition.** All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202 of the Utah Fire Prevention Act.

**2. Sale, Discharge and Possession of Certain Fireworks Restricted.**

a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah state approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this ordinance, except as otherwise permitted by state law.

b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks including class C common fireworks is prohibited in the area of the municipality described as follows:

**Prohibited Area No. 1:** All land that is within Tremonton City limits that is north of the Highline Canal; west of 2300 West and east of Interstate 84, which is shown generally on the attached map contained in Exhibit A.

**Prohibited Area No. 2:** All land that is within one hundred (100') feet of the Sensitive Area Zoning District which is shown generally known as the Malad River Bottoms as on the attached map contained in Exhibit A.

**3. Enforcement.**

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

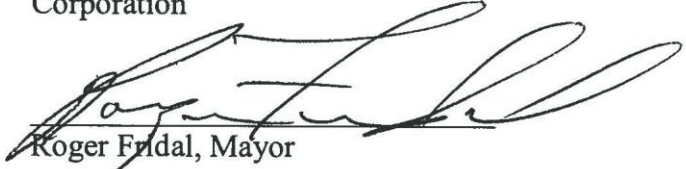
**4. Punishment.** Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

**5. Conflicting Ordinances.** This ordinance shall supersede any conflicting ordinance previously adopted by the City Council until this ordinance sunsets on December 31, 2012.

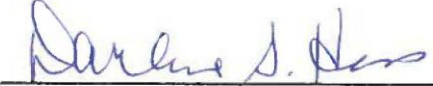
**6. Effective Dates.** This ordinance shall become effective on July 1, 2012 and the ordinance shall sunset on December 31, 2012.

PASSED AND DATED this 3rd day of July 2012.

TREMONTON CITY, a Utah Municipal Corporation

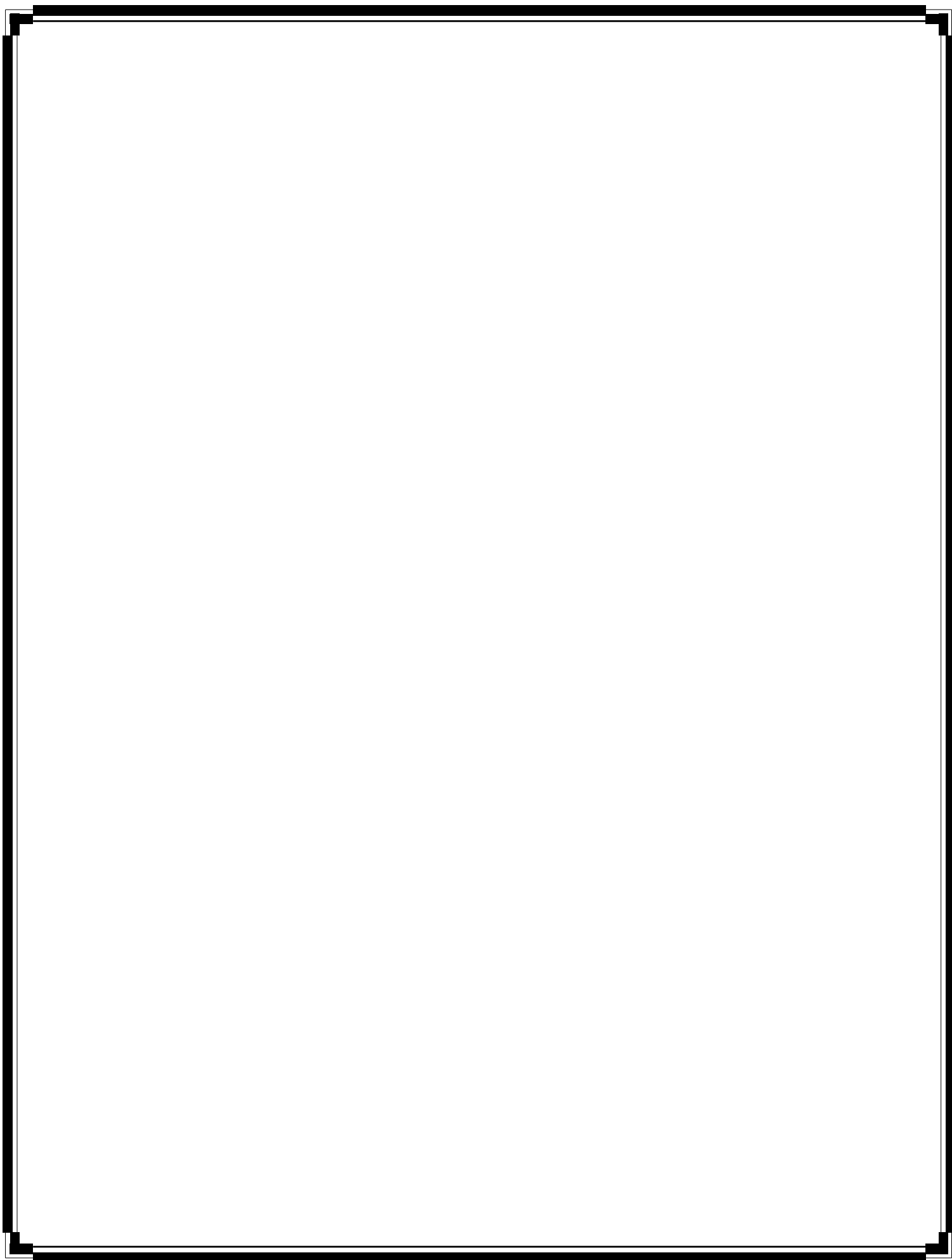
  
Roger Fridal, Mayor

ATTEST:

  
Darlene S. Hess, City Recorder

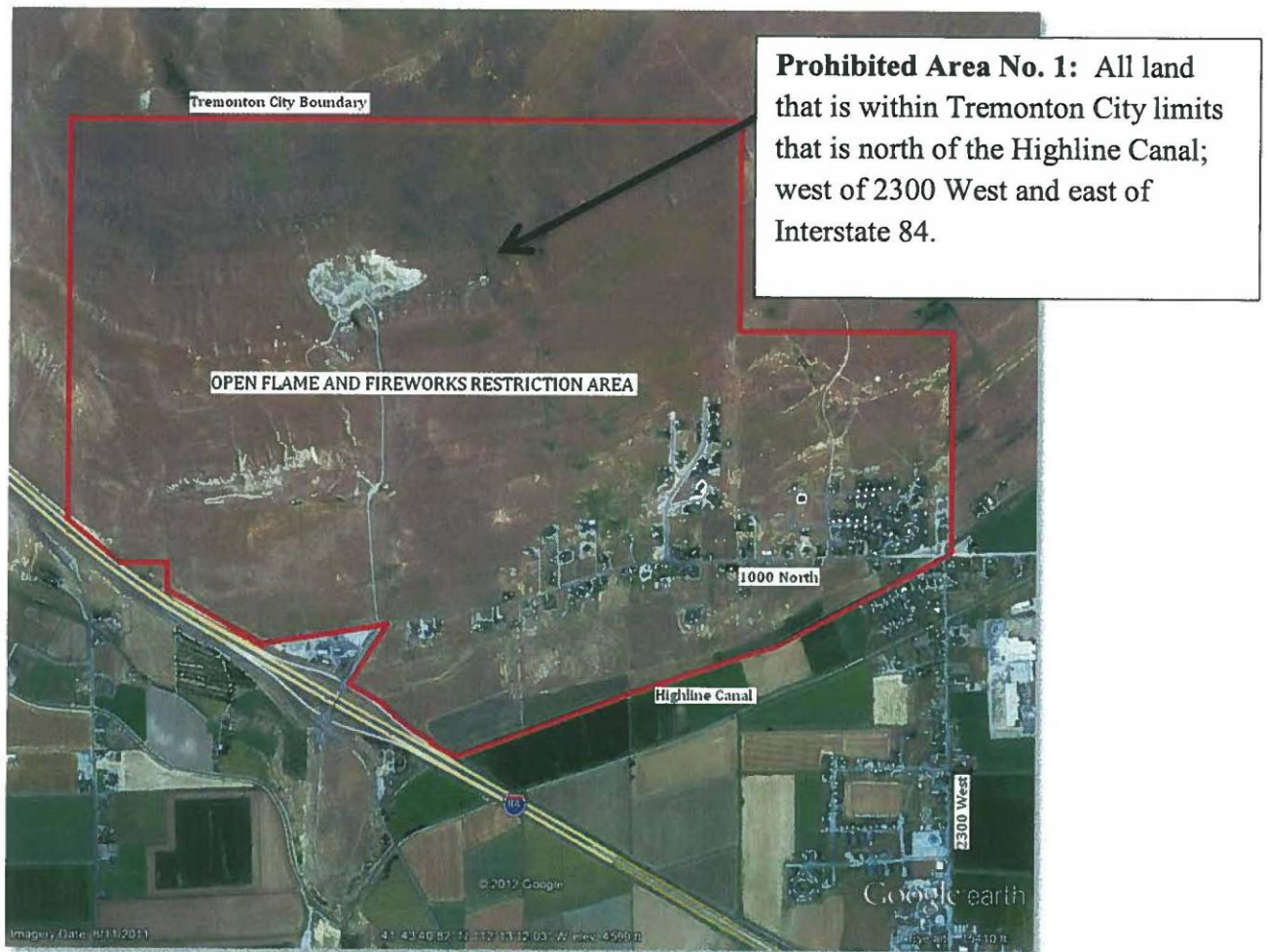
Publication or Posting Date: July 11, 2012

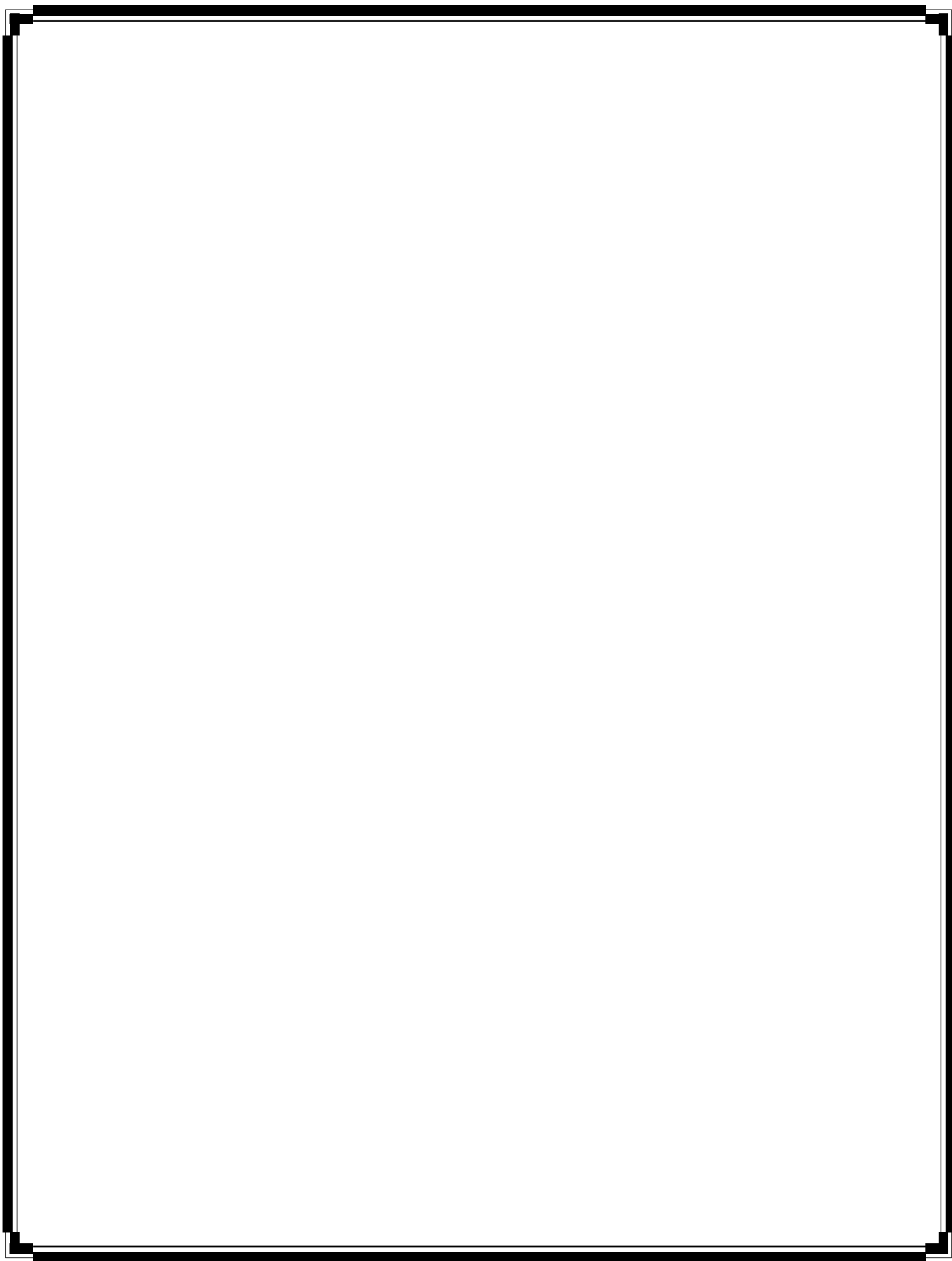




## EXHIBIT A

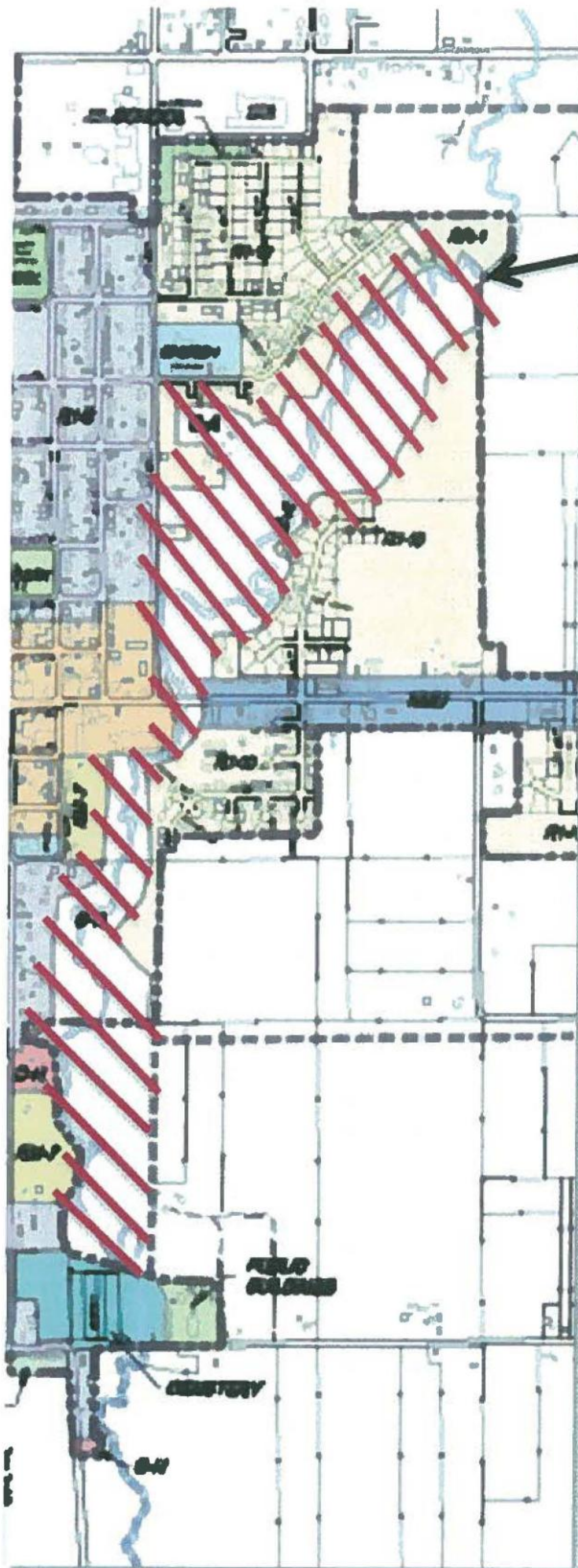
### Prohibited Area No. 1:



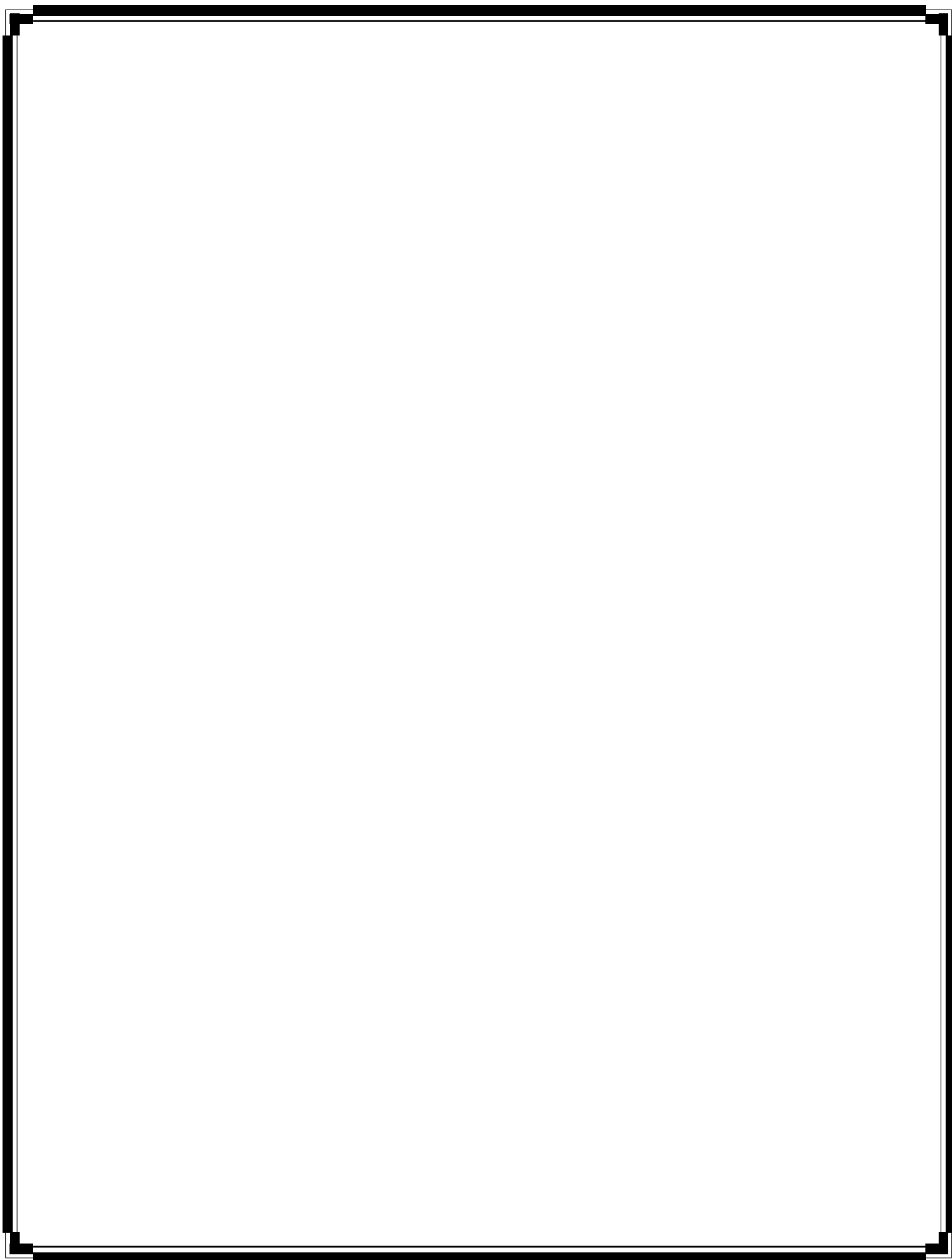




**Prohibited Area No. 2:**



**Prohibited Area No. 2:** All land that is within one hundred (100') feet of the Sensitive Area Zoning District which is shown generally known as the Malad River Bottoms.



STATE OF UTAH )

: ss.

County of Box Elder )

I, DARLENE HESS, the City Recorder of Tremonton, Utah, do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. 12-, entitled "**AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY**" adopted and passed by the City Council of Tremonton, Utah, at a regular meeting thereof on the 29th day of ~~June~~ 2012, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 29<sup>th</sup> day of July, 2012.



Darlene Hess  
City Recorder

